

CITY OF LEWISTON
PLANNING BOARD MEETING
MINUTES for August 14, 2006 – Page 1 of 5

I. ROLL CALL: This meeting was held in the City Council Chambers on the First Floor of City Hall, was called to order at 5:34 p.m., and was chaired by Jeffrey Gosselin.

- **Members in Attendance:** Jeffrey Gosselin, Stephen Morgan, Jim Horn, and Roger Philippon. **Absent:** John Racine, Tom Truchon, and Jonathan Earle.

- **Associate Members Present:** Ron Chartier. **Associate Members Absent:** Tom Peters.

- **Staff Present:** Gildace Arsenault, Director of Planning & Code Enforcement; David Hediger, City Planner; and Doreen Christ, Administrative Secretary of Planning & Code Enforcement.

II. ADJUSTMENTS TO THE AGENDA: None.

III. CORRESPONDENCE: Staff Memorandum dated August 10, 2006 prepared by David Hediger, City Planner. The following items were distributed at this meeting regarding the Fritz Peterson Subdivision: 1. Correspondence from Norman Chamberlain II, P.E. from Taylor Engineering Associates in regards to responses to comments made at the Neighborhood Meeting dated August 10, 2006; 2. E-mail from Lisa-kay Keen dated 11/07/2005; 3. Correspondence from the State of Maine Department of Environmental Protection dated May 8, 2006 regarding finding of facts; 4. Correspondence from the Department of the Army regarding the Maine Programmatic General Permit (PGP) Authorization Letter and Screening Summary; and 5. Correspondence from Ed and Charlotte Gobeille, 8 Suzanne Street stamp dated 08/14/2006. The following item was distributed at this meeting regarding the Gayton Estates Subdivision: E-mail and photographs from Eric Pedersen dated August 12, 2006.

The following motion was made.

MOTION: *by Roger Philippon, second by Steven Morgan that the Planning Board accept the above items, please them on record, and read them at the appropriate time.*

VOTED: 5-0 (Passed).

IV. HEARINGS:

A. A proposal from Taylor Engineering Associates on behalf of George C. Peterson (Fritz Peterson Subdivision) for a 12-lot, single-family home cluster subdivision and city street at 267 Central Avenue. David Hediger read this portion of his Staff Memorandum dated August 10, 2006.

The proposal is a for 12-lot, single-family home cluster subdivision and a 550 foot city street at 267 Central Avenue. This property is located in the Neighborhood Conservation "A" (NCA) District and consists of approximately 6.46 acres. Once the approval is granted, the applicant intends to sell this project.

A Neighborhood Meeting was held at the City Building on Wednesday, 08/09/2006. Concerns were expressed at to the filling of the wetlands and to what impact it would have on their properties. A wetlands alteration permit was received from the DEP in May 2006. There was also a concern in regards to drainage, however, drainage should not be an issue.

There were no concerns from the Police, Fire, and Public Services Departments.

Present at this meeting were **Norm Chamberlain** from Taylor Engineering Associates and the applicant, **George C. Peterson**. Norm Chamberlain showed the location of the project to the Board on the Site Plan. He stated that there are a lot of wetlands on the property. Both the Natural Resources Protection Act (NRPA) and Maine Construction Programmatic General Permit have been provided to

Staff. An easement is being provided for drainage. The ditches will not be impacted. They will be improved. This project has been designed to direct flow from the offsite areas and lots on the west side of the road to the roadside ditches. The intent is to minimize the wetland impacts. The proposed road will have under drains.

This item was then opened to the public for those in support of this project. **George Peterson**, applicant, stated that he would like to continue this project.

This item was then opened to the public for those in opposition, which are as follows:

Charlotte Gobeille, 8 Suzanne Street, read her letter of opposition dated August 14, 2006. This letter was distributed to all Board Members prior to this meeting.

John Lussier, 48 Winding Way, had several questions in regards to fill and what happens to the land once you are beyond the shaded area. Norm Chamberlain responded that the future lot owners cannot do anything to their lot in the shaded areas depicted on the map. The buyers can only use a portion of their property. He then asked, "What is going to happen to the habitat. Norm Chamberlain commented that 1-1/2 acres will be preserved for habitat. He made the comment that Mike Osier of the Androscoggin Land Trust would like to speak with George Peterson.

Jeff Gosselin stated that if as designed, there should be no adverse impacts.

Norm Chamberlain commented that not only him as an engineer, but also the City of Lewiston Public Services Staff are also reviewing this project.

Lewis Zidle, 16 Suzanne Street, was concerned with saving his existing trees.

Norm Chamberlain stated that there will be a Lot Owner's Association, which will be drafted and included on the plan.

At this point in the discussion, the public comment portion of the hearing was closed and brought back to the Board. Jim Horn asked, "How can a sewer line be run, if you cannot have a basement in this area? There is a high groundwater level. Norm Chamberlain reiterated that he had suggested that there be no basements. Ron Chartier questioned the Lot Owner's Association. David Hediger responded that the applicant is responsible for drafting the Lot Owner's Association. This will come back to the City. In closing this discussion, Jeff Gosselin said that this meets all the requirements for a subdivision. Norm Chamberlain stated that the groundwater will be lowered in the Gobeille's area. It was also stated that anybody can amend this plan. Somebody could purchase the whole entire property (see Condition No. 7 of the following motion.)

The following motion was made.

MOTION: *by **Roger Philippon**, second by **Steve Morgan** that the Planning Board determines the application submitted by Taylor Engineering Associates on behalf of George C. Peterson for a 12-lot, single-family home cluster subdivision (Fritz Peterson Subdivision) and city street at 267 Central Avenue to be complete; grants approval of the modification/waiver checklist; that this application meets all of the necessary approval criteria contained under Article XIII, Sections 4, 5, and 7 of the Zoning and Land Use Code; and, grants approval to George C. Peterson, subject to the following conditions:*

- 1. All revisions and additional information as noted in Taylor Engineering Associates letter dated August 10, 2006 be made and provided to Staff prior to the release of any signed mylars.*
- 2. A final survey with lot dimension, metes and bounds, etc. is provided for the Board's signature prior to the release of any signed plans.*
- 3. Lot 1 be reconfigured to eliminate the narrow wedge of land along the proposed street beginning at its intersection with Suzanne Street.*
- 4. A note is added to the recorded plan specifically referencing the 25 percent front setback and yard modifications granted to all lots in the subdivision.*

5. *No signed mylars be released until draft homeowners association documents have been reviewed to Staff's satisfaction. A note must be added to the plan referencing the association.*
6. *That a statement of financial and technical capacity is provided to either the Board or Staff's satisfaction prior to the release of any signed mylars.*

VOTED: 5-0 (Passed).

B. *A proposal from Technical Services, Inc. on behalf of Calvin & Judith Hunter for an eight- (8-) lot, single-family residential subdivision (Gayton Estates) at 207-209 Gayton Road.* David Hediger read this portion of his Staff Memorandum dated August 10, 2006.

The proposal is for an eight- (8-) lot single-family subdivision (Gayton Estates) at 207-209 Gayton Road. This property is located in Rural Agricultural (RA) District and consists of 16.53 acres. All eight (8) lots will be serviced by private wells and septic systems. This development is not subject to a stormwater permit from the DEP for soil disturbance of greater than one (1) acre during construction, but is subject to the City's stormwater standards.

Present at this meeting were **Mike Gotto** and **Chris Branch** from Technical Services, Inc. on behalf of the applicants, **Calvin & Judith Hunter** who were also present.

Chris Branch made the following presentation. The trip generation is 8-9 trips per peak hour. There is less than one acre of impervious area, therefore, this subdivision does not require DEP approval. The drainage flows to Gayton Road and down to an existing culvert. There will be an under drain on both sides of the road. The rest will go down to Raven Lane. There were no questions from the Board.

This item was then opened to the public for those in support of this project. There were none. This item was then opened to the public for those opposed to this project. Those opposed included:

Scott & Ellie Bradeen who are residents with the following concerns: additional traffic, drainage, lighting, the groundwater table is high, and they were concerned with wildlife. They have a sheep farm.

Chris Branch stated the only street light proposed is the one (1) at the intersection of Gayton Road.

Roger Poulin, 199 Gayton Road, was concerned with drainage.

There being no further public comment, this portion of the hearing was closed and brought back to the Board. Mike Gotto stated that increased runoff is allowed under the new state stormwater regulations. Steve Morgan asked if trees would help with the water problem. Mike Gotto responded with, "No". David Hediger indicated City code allows for an increase only if it's demonstrated there will be no adverse impact downstream. Public Services is still reviewing this aspect of the plan.

The following motion was made.

MOTION: *by Steve Morgan, second by Roger Philippon that the Planning Board determines the application submitted by Technical Services, Inc. on behalf of Calvin & Judith Hunter for an 8-lot, single-family residential subdivision (Gayton Estates) at 207-209 Gayton Road to be complete; grants approval of the modification/waiver checklist; that this application meets all of the necessary approval criteria contained under Article XIII, Sections 4 and 5 of the Zoning and Land Use Code; and, grants approval to CLH and Son, subject to the following conditions:*

1. *All revisions and additional information, as noted in Technical Services, Inc., letter dated August 10, 2006 be made and provided to Staff prior to the release of any signed mylars.*
2. *No development activity occurs until stormwater permits from the DEP have been obtained.*
3. *Any remaining issues with the proposed stormwater system be reviewed and revised accordingly to Public Services satisfaction prior to the release of any plans.*

4. *That a statement of financial and technical capacity is provided to either the Board or Staff's satisfaction prior to the release of any signed mylars.*

VOTED: 5-0 (Passed).

C. A proposal to amend Article XV of the Zoning and Land Use Code, Significant Building and Districts, to add two (2) associate members to the membership of the Historic Preservation Review Board. David Hediger summarized this portion of his Staff Memorandum dated August 10, 2006.

This proposal was at the request of the Historic Preservation Review Board for the City Council to initiate an amendment. The Council voted unanimously on this item at their July 2006 meeting and is forwarding this amendment to this board for a recommendation. The purpose of this amendment is to add two (2) associate members to the H.P.R.B. membership who will serve in place of a member who is absent, disqualified, or otherwise unable to participate.

The following motion was made.

MOTION: *by Roger Philippon, second by Jim Horn that the Planning Board send a favorable recommendation to the City Council for the adoption of a proposed amendment to Article XV of the Zoning and Land Use Code, Significant Building and Districts, to add two (2) associate members to the membership of the Historic Preservation Review Board..*

VOTED: 5-0 (Passed).

V. OTHER BUSINESS:

A. Disposition of City-owned property at 64 No Name Pond road; stewardship of 64 No Name Pond Road by the No Name Pond Watershed Association. David Hediger read this portion of his Staff Memorandum dated August 10, 2006.

This item has been brought to this board at the request of **Stephen Herrin** of 66 No Name Pond Road to purchase the City-owned property located at 64 No Name Pond road. Mr. Herrin is proposing to purchase the entire property in the amount of \$8,151.07 for taxes due to provide additional land to make improvements to his home.

Concerns have been expressed by the No Name Pond Watershed Management Association on the future use of this property. They are requesting the City to continue ownership of the land and that it be placed into permanent conservation. The association has also agreed that if 64 No Name Pond Road were placed into permanent conservation by the City, that they would provide stewardship of the property.

City Councilor **Renee Bernier** was present at this meeting. Other attendees who spoke on this item included **Steve Herrin, Lucille Dick, Jeanne Raymond, and Eileen Fair..**

Steve Herrin stated that he was concerned with the Deed. He wants to move his existing home back 100 feet and then enlarge the home. This would improve the looks in the area. There would be very little impacts to the pond.

Renee Bernier stated that there is a Comprehensive Plan in place from property around the No Name Pond. The City Council did not want to sell this property. If the property was to sell, it should go out to bid. Gil Arsenault explained that this property came up as a land swap. Staff is recommending it remain in conservation in perpetuity.

Jeanne Raymond stated that this was taken to the City Council. She stated that she has had several meetings with Bonnie Loundsbury. The main goal is to get the whole thing into conservation. The land should stay exactly the same as it is and in agreement with the City Council. The Androscoggin Land Trust will help advise them.

Eileen Fair, 6 Loon Drive, stated that originally Mr. Herrin's request was for a land swap. She wants to keep the entire area as conservation. Gil Arsenault said that it should be maintained for conservation in perpetuity.

Allan Glann, 8 Ventura Street, stated that he is in favor of maintaining the land owned by the City.

There being no further public input, this item was then closed to the public and brought back to the Board. In conclusion, Jeff Gosselin stated that this land should not be disposed off. Steve Herrin may have to contact James Bennett, the City Administrator, eliminating an easement across the property.

The following motions were made.

MOTION: by **Roger Philippon**, second by **Jim Horn** that the Planning Board send a recommendation to the City Council to not dispose of the City-owned property at 64 No Name Pond Road after considering the goals and objectives of the Comprehensive Plan and the No Name Pond Watershed Management Plan, and past actions of the City Council not to sell this property.

VOTED: 5-0 (Passed).

MOTION: by **Roger Philippon**, second by **Jim Horn** that the Planning Board send a recommendation to the City Council that the land at 64 No Name Pond Road be maintained for conservation in perpetuity and that stewardship of the land be considered by the City Council

VOTED: 5-0 (Passed).

B. Any other business Planning Board Members may have relating to the duties of the City of Lewiston Planning Board. None.

VI. OLD BUSINESS:

A. Open space amendment tabled to September 25, 2006. It was stated that Staff needs to come up with language and Staff needs to keep up contact with Richard Trafton.

B. Policy and procedures regarding project amendments and associate members. David Hediger stated that he is trying to get everyone together in September 2006.

C. Zoning and Land Use updates with Robert Faunce. David Hediger stated the need to have a workshop with the Planning Board and that the City Council needs to be updated.

VII. READING OF THE MINUTES: Draft Meeting Minutes for July 24, 2006. The following motion was made:

MOTION: by **Steve Morgan**, second by **Ron Chartier** that the Planning Board accept the Planning Board Minutes dated July 24, 2006, as submitted.

VOTED: 5-0 (Passed).

VIII. ADJOURNMENT: The following motion was made to adjourn.

MOTION: by **Steve Morgan**, second by **Ron Chartier** that this meeting adjourn at 7:57 p.m.

VOTED: 5-0 (Passed).

Respectfully submitted,

Steven Morgan, Planning Board Secretary

DMC:dmc\C:\MyDocuments\Planbrd\Minutes\PB081406Min.doc

